

## NOTICE OF NEWLY ENACTED ORDINANCE

### Town of Windsor

Please take notice that the Town of Windsor enacted Ordinance No. 2011-06, an Ordinance to Adopt Amendments to the Comprehensive Plan of the Town of Windsor, Wisconsin. The ordinance amends the agricultural preservation standards.

The full text of Ordinance No. 2011-06 may be obtained at the town clerk's office, 4084 Mueller Rd., DeForest, WI 53532 or viewed at the Town website at [www.windsorwi.gov](http://www.windsorwi.gov). or clerk's phone: 608-846-3854.

Published in the DeForest Times Tribune on 4/21/2011.

**ORDINANCE 2011 - 060**

**AN ORDINANCE TO ADOPT AMENDMENTS TO THE COMPREHENSIVE PLAN OF THE TOWN OF WINDSOR, WISCONSIN.**

The Town Board of the Town of Windsor, in Dane County, Wisconsin, does ordain as follows:

WHEREAS, pursuant to §60.22, §61.35 and 62.23(2) and (3) of Wisconsin Statutes, the Town of Windsor is authorized to prepare and adopt a comprehensive plan as defined in sections 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes; and

WHEREAS, the Town Board adopted its comprehensive plan in 2005 entitled "TOWN OF WINDSOR COMPREHENSIVE PLAN: 2025," and said plan has since been in effect, as amended from time to time; and

WHEREAS, as part of the Town's original adoption of its comprehensive plan, the Town Board adopted and has since followed written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan as required by §66.1001(4)(a) of the Wisconsin Statutes; and

WHEREAS, the Plan Commission of the Town of Windsor, on February 22, 2011, by a majority vote of the entire Commission recorded in its official minutes, has adopted a resolution recommending to the Town Board the adoption of certain amendments to the Village's comprehensive plan as reflected in Exhibit 1; and

WHEREAS, the Town Board held a public hearing on the proposed amendments on April 7, 2011, in compliance with the requirements of section 66.1001(4)(d) of the Wisconsin Statutes; and

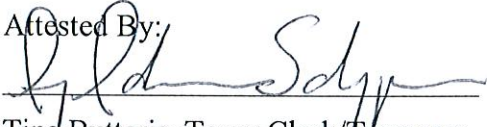
WHEREAS, the Village Board considered public comments made at the public hearing and the recommendations of the Plan Commission and staff, and has determined to approve the recommended amendments.

NOW, THEREFORE, the Town Board of Windsor, Wisconsin, does ordain that:

1. The text and map amendments set forth in Exhibit 1 are hereby adopted as amendments to the Town's Comprehensive Plan, pursuant to section 66.1001(4)(c) of Wisconsin Statutes.

  
\_\_\_\_\_  
Alan Harvey, Town Chairman

Attested By:

  
\_\_\_\_\_  
Tina Butteris, Town Clerk/Treasurer

Amy Anderson Schweppe/ Deputy Clerk  
Planning and Development Coordinator

COPY

RESOLUTION 2011-01

**RESOLUTION RECOMMENDING ADOPTION  
OF AMENDMENTS TO THE TOWN OF WINDSOR  
COMPREHENSIVE PLAN**

**WHEREAS**, the Town Board of the Town of Windsor, after meeting all of the statutory requirements therefor, has adopted its Comprehensive Plan entitled "Town of Windsor Comprehensive Plan" pursuant to Wis. Stats. § 66.1001(4)(c); and

**WHEREAS**, the Town of Windsor Plan Commission has the authority to recommend that the Town Board adopt amendments to the Comprehensive Plan under Wis. Stats. § 66.1001(4)(b); and

**WHEREAS**, the Town of Windsor Plan Commission has held a public hearing on proposed amendments to the Town of Windsor Comprehensive Plan at its regular meeting on Tuesday, February 22, 2011; and

**WHEREAS**, the Town of Windsor Plan Commission, having considered all public comments presented, by a majority vote of the entire Commission recorded in its official minutes, has voted to recommend to the Town Board the adoption of amendments to the Comprehensive Plan as set forth in the February 22, 2011 staff report prepared by Graef attached hereto as Exhibit A at its regular meeting on February 22, 2011;

**NOW, THEREFORE, BE IT RESOLVED** that the Plan Commission of the Town of Windsor hereby recommends to the Town Board that it adopt by Ordinance the amendments to the Town of Windsor Comprehensive Plan as set forth in the attachment marked as Exhibit A pursuant to Wis. Stats. § 66.1001(4)(c); and

**BE IT FURTHER RESOLVED** that the Town Clerk shall certify a copy of this Resolution with the attachment to the Town Board; and


**BE IT FURTHER RESOLVED** that the vote of the Plan Commission approving these amendments to the Comprehensive Plan be recorded in the official minutes of the Plan Commission.

The above and foregoing Resolution was duly adopted at a regular meeting of the Plan Commission of the Town of Windsor on the 22nd day of February, 2011.

## TOWN OF WINDSOR PLAN COMMISSION

By: Deanne E. Symbolik  
Deanne Symbolik, Chairperson

ATTEST:

  
Tina A. Butteris, Town Clerk  
4829-5855-4376, v. 1

**Amy Anderson Schweppe** - Planning & Development Coordinator





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Suite 111  
Madison, WI 53718-8346  
608 / 242 1550  
608 / 242 0787 fax  
[www.graef-usa.com](http://www.graef-usa.com)

## STAFF REPORT

**DATE:** February 22, 2011  
**TO:** Town of Windsor Plan Commission  
**CC:** Tina Butteris – Town Clerk / Treasurer  
Amy Anderson Schweppe – Town Operations Manager  
Matt Fleming – Town Attorney  
Kevin Richardson – Town Engineer  
**FROM:** Larry Witzling, Erin Ruth – Town Planners  
**RE:** Comprehensive Plan Amendment related to Agricultural Preservation Standards in Windsor/DeForest Cooperative Plan

### OVERVIEW

According to the DeForest/Windsor 66.0307 Cooperative Plan, the Town and Village agreed to amend their agricultural preservation standards in their comprehensive plans. Per the agreement, the amendments shall be adopted no later than May 12, 2011.

Proposed amendments to both the Town and Village Comprehensive Plans related to this topic were initially discussed at the Joint Plan Commission meeting in November 2010. Discussion at that meeting was based upon a staff report prepared jointly by Town and Village planning consultants.

This memo provides the proposed Town amendments, which are unchanged from the November meeting and from discussion at the January Plan Commission meeting. As mentioned in November, the bulk of the language in the proposed amendment comes directly from the language in the approved cooperative plan.

The intent is for the Plan Commission to act on the proposed amendment at this meeting.

### PROPOSED AMENDMENTS RELATED TO AGRICULTURAL PRESERVATION STANDARDS IN WINDSOR/DEFOREST COOPERATIVE PLAN

The following sections outline the proposed changes (identified by chapter title, page, column, and paragraph, as applicable) to the ***“Town of Windsor Comprehensive Plan: 2025.”*** Proposed text is underlined. Deleted text is shown as ~~struck through~~.

#### Utilities and Community Facilities

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Ordinance shall comply with the requirements of NR Wisconsin Administrative Code, and the Wellhead Protection Ordinance of both Windsor DeForest to the extent that similar restrictions are applicable to similarly positioned wells community.

Page 42, 1<sup>st</sup> column, 3<sup>rd</sup> full paragraph – Ownership: All detention basins, greenways, culverts, and sewers needed for storm drainage systems will be in public outlots, easements, or street rights-of-way and maintained by the Town. Any lands may be used for the construction and maintenance of storm





water management facilities, if a professional storm water management study conducted or approved by the Town or the Village of DeForest recommends such facilities. Land used for storm water management facilities may be owned by the Town or the Village of DeForest, and any lands owned by DeForest intended for such facilities shall, during the term of the DeForest/Windsor Cooperative Plan as it applies to this area, be subject to DeForest's zoning jurisdiction and regulations from the date of acquisition, but shall be zoned only to a designation that is consistent with use as a storm water management facility.

### **Agricultural, Natural, and Cultural Resources**

*Page 55, 1<sup>st</sup> column, after last paragraph –*

#### Wisconsin Working Lands Initiative

The Wisconsin Working Lands Initiative (WLI) was passed as part of the state's 2009-2011 biennial budget process. The Working Lands Initiative can be found primarily in Chapter 91 of the Wisconsin State Statutes. According to the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP), the initiative's three primary components include the expansion and modernization of the state's existing farmland preservation program, the establishment of agricultural enterprise areas, and the development of a purchase of agricultural conservation easement matching grant program. The goal of the WLI is to achieve preservation of areas significant for current and future agricultural uses.

#### Windsor Agricultural Enterprise Area

As defined by the DATCP, an Agricultural Enterprise Area (AEA) is a contiguous land area devoted primarily to agricultural use locally targeted for agricultural preservation and agricultural development. In 2010, the area north of Windsor Road and east of U.S. 51 in the Town of Windsor received designation from the State of Wisconsin as one of the state's first Agricultural Enterprise Areas (add map as Appendix).

The AEA designation is intended to preserve areas valuable for current and future agricultural use, promote the development of agricultural businesses, and ensure the eligibility of farm owners for additional tax credits through farmland preservation agreements.

#### WLI and the DeForest/Windsor Cooperative Plan

Elements of the DeForest/Windsor Cooperative Plan relate to the implementation of elements of the WLI in Windsor. DeForest shall take no actions to preclude Windsor from implementing the WLI in the portions of Windsor east of U.S. 51 and north of Windsor Road through appropriate amendments to Windsor's comprehensive plan, the purchase of conservation easements, the designation of Agricultural Enterprise Areas or otherwise, provided they are consistent with the cooperative plan. Windsor shall not implement any aspect of the WLI that is contrary to terms of the DeForest/Windsor Cooperative Plan, including but not limited to designating lands within Areas 1, 2, 3A, 3B, 4 or 5 (see Appendix H, DeForest/Windsor Cooperative Plan Summary Map) as Agricultural Enterprise Areas or taking other actions that may limit further development potential or attachment of such lands.

*Page 55, 3<sup>rd</sup> column, 1<sup>st</sup> paragraph (policy) – Explore the creation of an Agricultural Enterprise Area under the State of Wisconsin's Working Lands Initiative. Continue to explore opportunities for agricultural preservation under the State of Wisconsin's Working Lands Initiative, subject to the conditions of the DeForest/Windsor Cooperative Plan.*





Page 56, 1<sup>st</sup> column, 1<sup>st</sup> full paragraph (objective) – Ensure the long-term continuation of agricultural uses east of US 51 and north of Windsor Road. Because of their incompatibility with non-agricultural uses, production agriculture and open space uses are recognized as the highest/best uses in this area; Like other businesses, agriculture must evolve to meet changing market requirements and capture new farm income opportunities, and successful evolution is beneficial to the overall community provided that the fundamental agricultural and open space character of the area east of US 51 and north of Windsor Road is maintained. The addition or expansion of non-agricultural residential or commercial uses shall be limited except as provided in the following policies:

Page 56, 1<sup>st</sup> column, 2<sup>nd</sup> full paragraph (1<sup>st</sup> policy) – Restrict development (at densities greater than 1 unit/35 acres) from occurring east of US 51 and north of Windsor Road except for the limited commercial area at the intersection of US 51 and CTH CV, commercial activities that are inherently associated with production agriculture (example: seed research business), in pre-1993 rural residential and commercial neighborhoods, and as allowed below, except as the relevant policies of the Town of Windsor or Village of DeForest comprehensive plans may be subsequently amended by mutual consent of both parties.

Page 56, 3<sup>rd</sup> column, after 1<sup>st</sup> partial paragraph (new policy) – Residences and outbuildings may be used for home occupations, limited family businesses, or farm family businesses as those terms are defined and limited under Dane County zoning rules. Efforts shall be made to utilize the existing residence and outbuildings before constructing new buildings. When new buildings are constructed, efforts shall be made to keep them within the area bounded by the then-current residence and outbuildings. New buildings may utilize additional farmland only after Windsor enters detailed written findings of fact demonstrating that reasonable efforts have been made towards realizing one of the other two preferred options as stated above. Rezoning for other types of home-based businesses will be approved by Windsor only if limited by selection of an appropriate agricultural related zoning district, requiring of a recorded deed restriction, or both, to enable businesses operated by one or more residents of the property that are clearly related to agriculture or horticulture only. The intent of this policy is to minimize the loss of productive farmland and to maintain the integrity of the area east of US 51 and north of Windsor Road as a whole for agricultural production.

Page 56, 3<sup>rd</sup> column, after last full paragraph (new policy) – Rezoning and conditional use permits (CUP) shall be allowed for agricultural research operations, seed production operations, operations that process farm products grown mainly on-site where conducted by the farm owner/operator and where farming remains the primary activity, agricultural entertainment activities as defined by the Dane County zoning code, or similar operations which by their very nature should be located in an area focused on agricultural production, provided that within DeForest's extraterritorial jurisdiction:

a) All pertinent provisions of both the applicable zoning ordinance and the comprehensive plans of both the Town of Windsor and the Village of DeForest as they existed on July 1, 2010 are followed except as the relevant policies of either or both comprehensive plans may be subsequently amended by mutual consent of both parties.

b) All such development shall be subject to Windsor site plan review regulations which are substantially similar to those regulations applicable to commercial development under Windsor's site plan review regulations in place as of April 1, 2010.

c) The use and potential subsequent uses, except for agricultural entertainment activities, authorized by the zoning district or conditional use permit must advance, or focus on research towards the advancement of, agriculture in Windsor and the region.





d) None of the following uses will be approved or recommended by Windsor, except where one was established prior to April 1, 2010 or otherwise only following the approval of the DeForest Village Board: ethanol plant, rendering plant, commercial slaughterhouse, mineral extraction operation, asphalt or concrete batch plant, fertilizer mixing or blending plant, any use predominantly focused on agricultural trucking, dead stock hauling and disposal service, stock yard, livestock auction facility.

e) All development located within mapped wellhead protection areas (insert map as appendix) or described in the Windsor Wellhead Protection Ordinance shall comply with the requirements of NR 811.16, Wisconsin Administrative Code, and both communities' wellhead protection ordinances to the extent that similar restrictions are applicable to similarly positioned wells in each community.

f) Windsor shall disapprove of any rezoning or conditional use permit allowed under this policy unless appropriate conditions and restrictions are recorded to ensure ongoing compliance with the limitations contained within this policy.

g) Prior to taking any formal action on said rezoning or conditional use permit allowed under this policy, Windsor shall consult with DeForest regarding the proposal and its consistency with the DeForest/Windsor Cooperative Plan and the comprehensive plans of the two parties. Such consultation shall occur at one of the joint meetings of the Village and Town Plan Commissions as established by the cooperative plan.

h) Within the west ½ of Sections 16 and 21 and the west ½ of the northwest ¼ of Section 28, T9N, R10E, as depicted as Area E in the DeForest/Windsor Cooperative Plan Summary Map (see appendix H), Windsor shall disapprove any rezoning or conditional use permit allowed under this policy unless such proposal is first approved by the DeForest Village Board.

The intent of this policy is to allow these lands designated for agricultural production to adapt to changes in agriculture, but also to emphasize that the predominant character of these lands will remain as farmland and open space and to minimize negative impacts on nearby lands currently developed or planned for development.

## **Land Use**

Page 75, 1<sup>st</sup> column, after 1<sup>st</sup> full paragraph – The area near the intersection of Highway V/Grinde Road and Highway 51 that is designated for mixed use development within the Town of Windsor and Village of DeForest Comprehensive Plans as they existed on July 1, 2010 may be utilized in accordance with the standards within such comprehensive plans for this mixed use area, except as either or both comprehensive plans may be subsequently amended by mutual consent of both parties as they affect this particular mixed use area.

Page 75, 2<sup>nd</sup> column, last full paragraph – The Town of Windsor contains large amounts of prime agricultural land that it seeks to protect into the future and is contained within this district. A major portion of the Town's character and economic value is derived from farms. Most of the existing agricultural land in the Town is zoned Dane County A-1 Exclusive. In 2010 the area east of US 51 and north of Windsor Road received designation from the State of Wisconsin as an Agricultural Enterprise Area under the Working Lands Initiative.

Page 75, 3<sup>rd</sup> column, after 1<sup>st</sup> full paragraph – See the objectives and policies in the Agricultural, Natural and Cultural Resources chapter of this document for additional development guidelines related to the agricultural preservation area.



#### STAFF RECOMMENDATION

Staff recommends APPROVAL of the proposed amendments to the Town of Windsor Comprehensive Plan.



RESOLUTION 2011- 01

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OF AMENDMENTS TO THE TOWN OF WINDSOR  
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Deanne Symbolik, Chairperson

ATTEST:

  
Tina A. Butteris, Town Clerk  
4829-5855-4376, v. 1

Amy Anderson Schweppe, Planning & Development Coordinator



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## STAFF REPORT

<b>DATE:</b>	February 22, 2011
<b>TO:</b>	Town of Windsor Plan Commission
<b>CC:</b>	Tina Butteris – Town Clerk / Treasurer Amy Anderson Schweppe – Town Operations Manager Matt Fleming – Town Attorney Kevin Richardson – Town Engineer
<b>FROM:</b>	Larry Witzling, Erin Ruth – Town Planners
<b>RE:</b>	<b>Comprehensive Plan Amendment related to Agricultural Preservation Standards in Windsor/DeForest Cooperative Plan</b>

### OVERVIEW

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#### Utilities and Community Facilities

*Pg. 41, 1st column, new paragraph after 1st full paragraph* – Within the Village of DeForest's ETJ area all development located within mapped wellhead protection areas (insert map as appendix) or as described in the Windsor Wellhead Protection Ordinance shall comply with the requirements of NR 811.16, Wisconsin Administrative Code, and the Wellhead Protection Ordinance of both Windsor and the Village of DeForest to the extent that similar restrictions are applicable to similarly positioned wells in each community.

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### **Agricultural, Natural, and Cultural Resources**

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a) All pertinent provisions of both the applicable zoning ordinance and the comprehensive plans of both the Town of Windsor and the Village of DeForest as they existed on July 1, 2010 are followed except as the relevant policies of either or both comprehensive plans may be subsequently amended by mutual consent of both parties.

b) All such development shall be subject to Windsor site plan review regulations which are substantially similar to those regulations applicable to commercial development under Windsor's site plan review regulations in place as of April 1, 2010.

c) The use and potential subsequent uses, except for agricultural entertainment activities, authorized by the zoning district or conditional use permit must advance, or focus on research towards the advancement of, agriculture in Windsor and the region.





d) None of the following uses will be approved or recommended by Windsor, except where one was established prior to April 1, 2010 or otherwise only following the approval of the DeForest Village Board: ethanol plant, rendering plant, commercial slaughterhouse, mineral extraction operation, asphalt or concrete batch plant, fertilizer mixing or blending plant, any use predominantly focused on agricultural trucking, dead stock hauling and disposal service, stock yard, livestock auction facility.

e) All development located within mapped wellhead protection areas (insert map as appendix) or described in the Windsor Wellhead Protection Ordinance shall comply with the requirements of NR 811.16, Wisconsin Administrative Code, and both communities' wellhead protection ordinances to the extent that similar restrictions are applicable to similarly positioned wells in each community.

f) Windsor shall disapprove of any rezoning or conditional use permit allowed under this policy unless appropriate conditions and restrictions are recorded to ensure ongoing compliance with the limitations contained within this policy.

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h) Within the west ½ of Sections 16 and 21 and the west ½ of the northwest ¼ of Section 28, T9N, R10E, as depicted as Area E in the DeForest/Windsor Cooperative Plan Summary Map (see appendix H), Windsor shall disapprove any rezoning or conditional use permit allowed under this policy unless such proposal is first approved by the DeForest Village Board.

The intent of this policy is to allow these lands designated for agricultural production to adapt to changes in agriculture, but also to emphasize that the predominant character of these lands will remain as farmland and open space and to minimize negative impacts on nearby lands currently developed or planned for development.

## **Land Use**

Page 75, 1<sup>st</sup> column, after 1<sup>st</sup> full paragraph – The area near the intersection of Highway V/Grinde Road and Highway 51 that is designated for mixed use development within the Town of Windsor and Village of DeForest Comprehensive Plans as they existed on July 1, 2010 may be utilized in accordance with the standards within such comprehensive plans for this mixed use area, except as either or both comprehensive plans may be subsequently amended by mutual consent of both parties as they affect this particular mixed use area.

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#### STAFF RECOMMENDATION

Staff recommends APPROVAL of the proposed amendments to the Town of Windsor Comprehensive Plan.